

### **REMARKS**

Reconsideration of the present application in view of the above amendments and following remarks is respectfully requested.

#### **Status of the Claims**

Claims 37, 46-47, 49-50, 53 and 55-57 are presented. Claim 48 was previously withdrawn.

Claim 37 is amended to recite a process for washing, cleaning or aftertreatment of laundry. These amendments are supported throughout the application as filed, particularly on page 6, lines 9-27. No claims are cancelled. New claims 56-57 are added. Support is found throughout the application as filed.

No new matter has been introduced.

#### **Summary of the Invention as Claimed**

The claims as amended are directed to processes for washing, cleaning or aftertreatment of **laundry**. This limitation is important to the invention as now claimed because it emphasizes that the processes are directed to the treatment of textiles after they had been formed into the intended consumer articles, which, as described below, is distinctly different than the industrial processes disclosed in the prior patents cited by the Examiner. The processes as now claimed comprise the steps of (1) contacting the laundry at a temperature of less than or equal to about 40°C, with an aqueous composition comprising: (a) a compound of formula (II); and (b) at least one member selected from the group consisting of textile fiber cleaning surfactants and textile fiber softening agents; and (c) water; and (2) drying said laundry, wherein the treated laundry exhibits reduced pilling. In

certain preferred embodiments, the textile fibers comprise wool and/or cotton fibers (claim 55).

**Rejections under 35 U.S.C. § 103(a)**

Previously pending claims 37, 46, 49-50, 53 and 55 were rejected under 35 U.S.C. § 103(a) as being obvious over Benisek, at al. (US 4,448,817, “Benisek”) in view of Lewis (US 3,933,421). Applicants respectfully submit, without admitting or conceding to the accuracy or correctness of the Examiner's rejection, that the claims now presented define subject matter which is both novel and patentably unobvious over these two prior patents.

Benisek discloses a method of **finishing** keratinous articles. In other words, the processes disclosed in Benisek are industrial processes directed to the general field of creating articles of manufacture for consumer use. Thus, this patent describes such methods steps as contacting the articles with “an anti-felt polymer, a polymer of a chlorinated ethylenically unsaturated monomer,...and anionic titanium or zirconium complex at low pH.” This highly acidic treatment is then followed by step of **curing the treated material at elevated temperature** (see all Examples). Importantly, Benisek teaches that the polymers of the invention are **curable** (see, for example, col. 1, lines 56 – 58) and that the treatment of the fibers **requires curing at high temperatures**, for example, 140 - 150°C (see all of the Examples). This finishing treatment provides **shrink-resistance** and **flame-retardancy** to the textiles when carried out in this industrial setting. Importantly, Benisek does not disclose or suggest the step of contacting “laundry” for the purposes of washing or cleaning, nor does he disclose the advantageous effect of **reduced pilling** which would otherwise result from such washing or cleaning steps, followed by the step of drying the laundry.

In contrast, claim 37 as presently amended claims a process comprising the steps of contacting **laundry**, such as by washing, cleaning or in an aftertreatment mode, at less than or equal to about 40°C, followed by **drying** of the laundry. As is known to those skilled in the art, the drying of laundry involves temperatures in the range of from 50° C to about 80° C. Furthermore, those skilled in the art are aware that temperatures in the range specified for the curing process in the patents cited by the Examiner would do substantial damage and harm to laundry, especially laundry comprised of wool or cotton. Applicants respectfully submit that these facts are well known and understood by those skilled in the art and that no citation to support these facts is necessary at this time. Nevertheless, in the event the Examiner request a citation supporting these contentions, applicants will gladly provide one or more references for the Examiner's consideration.

Thus it is clearly seen that the processes of the present invention are directed to methods which are carried out in association with normal care of articles of laundry. The processes as now claimed are dramatically different from Benisek's process by virtue of the process conditions that are present. For example, the use of such highly acidic process conditions, together with such high temperature curing conditions (at least 140° C) would certainly destroy any "laundry" which is to be cleaned or washed. As is well known to those skilled in the art, washing and drying of **laundry** precludes a high temperature curing step such as that taught by Benisek.

The skilled artisan reading Benisek would understand that both anti-felt polymers and chlorinated polymers in admixture are required for effective textile **finishing**, followed by a curing step at **high temperature** in order to achieve shrink resistance and flame retardancy. Such a process provides no guidance or suggestion with respect to improved methods of treating laundry, such as by

washing, cleaning or aftertreatment. The problem of pilling is not even mentioned in Benisek, and therefore it is not surprising that Benisek fails to disclose not only the present process, but the unexpected and highly advantageous results achieved by the present processes directed to the treatment of laundry.

As observed by the Examiner, Benisek also fails to teach the addition of a surfactant to the treatment composition, and also fails to teach the percentage of compounds related to formula (II). In order to cure this deficiency of Benisek, the Examiner added Lewis. However, in view of the above remarks, it is clear that the addition of Lewis still fails to cure the substantial defects of Benisek.

Previously pending claims 37, 46-47, 49-50 and 55 were also rejected under 35 U.S.C. § 103(a) as being obvious over Lewis. Applicants respectfully traverse this rejection as well.

Lewis discloses a process for treatment of natural and/or synthetic fibers and materials, involving applying a polymeric compound containing at least one polyalkylenoxy or polyamide chain and at least one thiosulfate group (Bunte salt), and **curing** the fibers/materials thereby imparting shrink resistance properties. The curing step may involve prolonged exposure to light or heat, or be effected by treatment with acids, bases or reducing agents (col. 6, lines 58-67).

The arguments recited in the discussion of Benisek, above, apply to Lewis as well. More specifically, the method as now presented are directed to the treatment of laundry under the associated mild conditions, and such processes are nowhere suggested by Lewis, which includes a curing step which would effectively destroy the laundry which is to be treated by applicants' process. Accordingly, the subject matter now claimed is also novel and nonobvious over Lewis.

**Conclusion**

In summary, in view of the present claim amendments and remarks, applicants believe that the pending claims as amended are in condition for allowance. The Examiner is respectfully requested to reconsider, withdraw the rejections and allow the claims.

If any additional fees are required in support of this application, authorization is granted to charge our Deposit Account No. 50-1943.

Respectfully submitted,

Date: July 14, 2009

/Joseph F. Posillico/  
Joseph F. Posillico  
Reg. No. 32,290

Fox Rothschild LLP  
2000 Market Street  
Philadelphia, PA 19103  
Telephone: (215) 299-2000  
Facsimile: (215) 299-2150